

REMARKS/ARGUMENTS

Claims 1-5 and 7-30 were pending in the application and were rejected. Applicants have canceled claims 5, 8, 11, and 30 herein. New claims 31-34 have been added. Therefore, claims 1-4, 7, 9-10, 12-29, and 31-34 are now pending.

Claim Rejections - 35 U.S.C. 102

Claim 30 is rejected under 35 USC102(a) as being anticipated by Kubota (US 2003/0001957).

Applicants have canceled claim 30.

Claim Rejections - 35 U.S.C. 103(a)

Claims 1-5 and 7-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over various prior art references. In particular, claims 14 and 15 were rejected as being unpatentable over Kubota in view of Nanba (U.S. Patent No. 6,297,870) and further in view of Robins et al. (U.S. Publication No. 2003/0151669). Applicants have canceled claims 5, 8, and 11.

With regard to claim 1, applicants have amended the claim to recite that the memory card includes a code corresponding to a code in a photofinisher's database that can be used to verify that the memory card carries with it a commitment to create prints. None of the prior art of record mentions a code on a memory card that is used in such a method. Support for this amendment is found at least on page 6, lines 3-16, in particular, lines 8-9. Because the dependent claims 2-4, 7, 9-10, and 12-29 include the limitations of claim 1, they are also allowable.

With regard to claims 14 and 15, the examiner stated “. . . Robins includes a removable memory card (134) that includes a first portion of memory (212, 216, 221) that is electronically readable by a supplier (rental entity) but not by the digital camera . . .” Applicants disagree with this characterization of Robins. Robins' digital camera cannot be enabled/disabled unless the digital camera is capable of reading the memory card. Robins states that these portions of the memory card (212, 216, 221) are readable into the digital camera (100) memory (120), at page 2, paragraphs [0028] - [0030] as follows:

Therefore, the enable state variable 212 on the memory card 134 may be read into the enable state variable 123 of the memory 120.

...

The image count 216 may be read out into the image count 125 of the memory 120 of the image capturing device 100.

...

In one embodiment the removable memory medium does not enable the image capturing device 100 unless the image capturing device identifier 221 corresponds to the image capturing device 100.


Hence, at least claims 14 and 15 are allowable over the prior art of record.

Claims 15 and 27 have been amended for purposes of antecedent agreement with amended claim 1.

Applicants have added new claims 31-32 directed to a digital camera having a removable memory card that includes a code in a portion of its memory that is unreadable by the camera but is readable by a photofinisher for verifying that the memory card carries a commitment to create prints. The code also corresponds to a code in a database of the photofinisher (claim 32). New claims 33-34 are directed to a memory card for use in a digital camera. The memory card includes a code in a portion of its memory that is unreadable by the camera but is readable by a photofinisher for verifying that the memory card carries a commitment to create prints. The code also corresponds to a code in a database of the photofinisher (claim 34). Support for these new claims is found at least on page 6, lines 3-16. These new claims are allowable for the same reasons as claims 14 and 15, as explained above.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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